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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
STATE OF NEW YORK, STATE OF ILLINOIS, STATE OF :	:
MARYLAND, STATE OF WASHINGTON,	:
	:
Plaintiffs,	:
	:
v.	:
	:
UNITED STATES DEPARTMENT OF HEALTH AND :	07 Civ. 8621 (PAC)
HUMAN SERVICES,	:
	:
Defendant.	:
-----X	

**DECLARATION OF SERRIN TURNER**

I, Serrin Turner, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York. I am the attorney assigned to the defense of this matter.
2. I submit this declaration in support of the Defendant's Motion to Dismiss insofar as the motion seeks dismissal under Rule 12(b)(1) of the Federal Rules of Civil Procedure.
3. Appended as Exhibit A hereto is a true and complete copy of a letter from the Centers for Medicare and Medicaid Services ("CMS") to the State of New York Department of

Health, Division of Coverage and Enrollment, Office of Health Insurance Programs, dated September 7, 2007.

4. Appended as Exhibit B hereto is a true and complete copy of a letter from the State of New York Department of Health, Division of Coverage and Enrollment, Office of Health Insurance Programs to CMS dated October 31, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 17, 2008

/s/ Serrin Turner  
SERRIN TURNER